

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BARBARA HOFFMANN, et al.

v.

MARION COUNTY, TX, et al.

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Case No. 2:12-cv-0014-JRG-RSP

ORDER

Before the Court is the Report and Recommendation filed by the Magistrate Judge on November 16, 2012 (Dkt. No. 160) recommending that the United States' Motion to Dismiss (Dkt. No. 108) be granted. Having considered the Objections filed by Plaintiffs (Dkt. No. 168) and finding them to be without sufficient merit, the Report and Recommendation is hereby adopted. Accordingly, IT IS ORDERED THAT:

- (1) the United States' Motion to Dismiss (Dkt. No. 108) is **GRANTED**;
- (2) Plaintiffs' tort claims against the United States are **DISMISSED WITHOUT PREJUDICE** for want of subject matter jurisdiction;
- (3) Plaintiffs' claim against the United States under 42 U.S.C. § 1983 is **DISMISSED WITH PREJUDICE**; and
- (4) Plaintiffs' claims against the United States under 18 U.S.C. §§ 1905 and 2236 are **DISMISSED WITH PREJUDICE**.

So ORDERED and SIGNED this 29th day of November, 2012.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE